

Stanley  
Signature of Sponsor

**AMEND Senate Bill No. 1841**

**House Bill No. 1\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following new sections:

Section 2-10-122.

As used in this act, unless the context otherwise requires:

(1) The term "consulting services" with respect to an official in the legislative branch, an official in the executive branch, or the immediate family of either type of official, means services to advise or assist a person or entity in influencing legislative or administrative action as such term is defined in §3-6-102(11), including services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the state. The term "consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative procedure or rule making procedure.

(2) The term "consulting services" with respect to a municipal or county official including members-elect of a municipal or county legislative body, or the immediate family of either type of official, means services to advise or assist a person or entity in influencing legislative or administrative action as such term is defined in §3-6-102(11), including services to advise or assist such person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality or county represented by such official. The term "consulting services" does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative procedure or rule making procedure.

(3) The term "immediate family" has the same meaning as such term is defined in §3-6-102(10).

(4) The term "official in the executive branch" means the governor, any member of the governor's staff or any person in the executive service as such term is defined in §8-30-208(b); provided however, that such term shall not include members of boards and commissions who receive only expenses or a nominal per diem not to exceed six hundred dollars (\$600.00) per month, unless they provide consulting services for compensation with respect to the activities of the board or commission of which they are a member.

(5) The term "official in the legislative branch" has the same meaning as such term is defined in § 3-6-102(17).

Section 2-10-123.

(a)

(1) It is an offense for official in the legislative branch, an official in the executive branch, or the immediate family of either type of official, to receive any fees or any thing of value for providing consulting services for any person with the state.

(2) It is an offense for any municipal or county official, including members-elect of a municipal or county legislative body, or the immediate family of either type of official, to receive any fees or any thing of value for providing consulting services for any person with the local governmental entity of which such person is a member or member-elect.

(b) A violation of subsection (a) is a Class A misdemeanor.

Section 2-10-124.

(a)

(1) If any person or other entity that does business with the state of Tennessee in any capacity, any subsidiary of such person or entity, or any entity that contracts with such person or entity, pays a fee, commission or any other form of compensation to an official in the legislative branch, an official in the executive branch, or the immediate family of either type of official, for consulting

services, then such person or entity, or subsidiary or contractor of such person or entity shall disclose the following to the registry of election finance:

- (A) The person to whom the fee was paid;
- (B) The position of the person to whom the fee was paid;
- (C) The amount of the fee;
- (D) The date the services were rendered; and
- (E) A description of the services rendered.

(2) If any person or other entity that does business with a municipality or county within the state of Tennessee in any capacity, any subsidiary of such person or entity, or any entity that contracts with such person or entity, pays a fee, including a retainer, commission or any other form of compensation to a municipal or county official, or the immediate family of either type of official, for consulting services, such person or entity, or subsidiary or contractor of such person or entity shall disclose to the registry of election finance the same information for such officials as required pursuant to subdivision (1) for officials in the legislative or executive branch.

(b) The disclosure shall be on a form designed by the registry of election finance, shall be made under oath, and shall contain a statement that a false statement on the report is subject to the penalties of perjury. A disclosure form shall be filed each time compensation for consulting services is paid to one of the officials named in subsection (a). The person or entity, or subsidiary or contractor of such person or entity, paying the consulting fee shall have thirty (30) days from the date such fee is paid to file a disclosure form as required by this section.

(c) All disclosures made to the registry pursuant to this section are public records and open for inspection during regular business hours.

(d)

(1) It is a Class C misdemeanor for any person or entity, or subsidiary or contractor of such person or entity, to knowingly fail to file a disclosure form as

required by this section.

(2) It is a Class C misdemeanor for any person or entity, or subsidiary or contractor of such person or entity, to file a disclosure form as required by this section more than thirty (30) days after the date on which a consulting fee for which disclosure is required is paid.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.